From: Gene Bland
To: Microsoft ATR
Date: 1/23/02 11:00pm
Subject: Microsoft Settlement

Gentlemen and Gentlewomen,

Concerning the proposed settlement for Microsoft, I wish to express that the intended remedies seem to only address past and current technologies and do not truly deplete nor deter the monopolistic policies that Microsoft has engaged in over the last several years. The language within the document references specific software titles and technologies, many of which are no longer supported. Terminology (such as "ActiveX") is frequently changing and to expressly mention such items seems unduly restrictive for the settlement and easy to avoid by Microsoft.

Also, the remedies for exposing existing and proposed interfaces and APIs is expressed in terms of a delivery mechanism that Microsoft owns (the Microsoft Developers Network). This requires third party developers to set up a relationship (joining the developers network) to be able to access this information in a timely fashion. This requirement seems to create greater dependency upon Microsoft, in fact enhancing their monopoly position, rather than depleting it. This information should be available in a publicly (non-Microsoft controlled or owned) available facility.

Lastly, there is no mention of any form of restitution for the activities that Microsoft has engaged in. Microsoft's activities have destroyed many small companies, and worse, the people's dreams and livelihood who made up those companies. This is, in a true sense, the destruction of what most of us consider to be "The American Way and Dream" where we all have the right to compete without fear of the unfair destruction by a monopoly. This activity by Microsoft should be considered an extreme offense and the punishment should be commensurate with that offense. I was actually quite offended by the several references to provisions to protect Microsoft's existing licenses, without any mention of restitution for Microsoft's victims.

Thank you for your attention.

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